

### **REMARKS**

Claims 1-28 and 30-52 are pending in the present application. Claim 23 has been rejected. Claims 1-22, 24-28 and 30-52 have been allowed. Claim 29 has been canceled. Claim 23 has been amended. New claims 53 and 54 have been added. Applicant submits that support for the amendments and new claims 53 and 54 can be found on page 13, line 23 to page 15, line 15 of the international application as published. Accordingly, claims 1-28 and 30-54 remain pending in the present application. For the reasons set forth fully below, Applicant respectfully submits that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

Applicant includes a Petition for Extension of Time to extend the deadline for filing a response by one (1) month from August 10, 2004 to September 10, 2004.

#### **Response to Arguments**

The Examiner states,

**The applicant's claim 10 is rejected in view of the newly discovered reference to Van Wie et al. (US Patent 5,943,422).**

Applicant submits that the above reference to claim 10 is in error, and that the intended reference is to claim 23.

#### **35 USC §103 Rejections**

The Examiner states:

**Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (U.S. Patent No. 5,745,569) in view of Van Wie et al. (U.S. Patent 5,943,422).**

**As per claim 23, Moskowitz et al. ('569) does not explicitly disclose including in the software code that, when executed with at least one predetermined input reproduced the string of**

step (a), and that executed with at least one predetermined input reproduced the string of step (a), and that produces at least one other string when executed with at least one other input. Van Wie et al. ('422) discloses including in the software code that, when executed with at least one predetermined input reproduces the string of step (a), and that produces at least one other string when executed with at least one predetermined input reproduces the string of step (a), and that produces at least one other string when executed with at least one other input. (Figure 13A). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Moskowitz et al. ('569) method with the Gordon ('323) method in order to manage electronic rights.

Applicant respectfully traverses this rejection. As the Examiner points out, Moskowitz et al. does not explicitly disclose including in the software code that, when executed with at least one predetermined input reproduces the string of step (a) and that produces at least one predetermined input when executed with at least one other input. In addition, neither Moskowitz et al. nor Van Wie et al. (nor any other prior art of which we or the inventors are aware) teach the use of an obfuscating process, such as the insertion of an opaque predicate, which inhibits or prevents recognition by static analysis. Both Moskowitz et al. and Van Wie et al. disclose only the use of cryptographic or steganographic techniques in signal processing. Once these techniques are known or guessed by an adversary, a string incorporating a watermark is recognized by a static analysis. In particular, all strings generated by the process illustrated in Figure 13A of Van Wie are recognizable through static analysis of the system (comprising its hardware, software and inputs) that generates these strings. Claim 23 is therefore allowable over the cited reference.

#### New Claims 53 and 54

Claims 53 and 54 are added to further define the scope and novelty of the present invention.

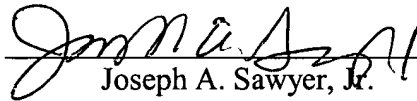
Conclusion

Accordingly, Applicant respectfully requests reconsideration and allowance of pending claims 1-28 and 30-54 as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,  
SAWYER LAW GROUP LLP

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Date

  
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